

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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N.R., N.R. ON BEHALF OF T.R.,

Plaintiffs,

-against-

THE DEPARTMENT OF EDUCATION OF THE CITY  
SCHOOL DISTRICT OF THE CITY OF NEW YORK,  
a/k/a, THE BOARD OF EDUCATION OF THE CITY  
SCHOOL DISTRICT OF THE CITY OF NEW YORK,  
and JOEL KLEIN, in his official capacity as Chancellor of  
the New York City School District,

Defendants.

**DEFENDANTS' RESPONSE  
TO PLAINTIFF'S LOCAL  
RULE 56.1 STATEMENT OF  
UNDISPUTED FACTS**

07 CV 9648 (BSJ) (DCF)

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Pursuant to Rule 56.1 of the Local Civil Rules of this Court, Defendants' response to Plaintiff's Statement of Material Facts Not in Dispute pursuant to Local Rule 56.1 ("Plaintiff's Statement") is set forth below:

1. Defendants admit the facts set forth in paragraph "1" of Plaintiff's Statement.

2. Defendants deny the facts set forth in paragraph "2" of Plaintiff's Statement and respectfully refer this Court to the letter for a complete and accurate account of its contents.

3. Defendants admit the facts set forth in paragraph "3" of Plaintiff's Statement.

4. Defendants deny the facts set forth in paragraph "4" of Plaintiff's Statement, except admit that they received a letter from Jordana Skurka, Psy. D. indicating that a "diagnosis of autism is appropriate" for the Student and respectfully refer this Court to the letter referred to therein for a complete and accurate account of its contents.

5. Defendants admit the facts set forth in paragraph “5” of Plaintiff’s Statement.

6. Deny the facts set forth in paragraph “6” of Plaintiff’s Statement, and respectfully refer this Court to the letter referred to therein for a complete and accurate account of its contents.

7. Defendants deny the facts set forth in paragraph “7” of Plaintiff’s Statement, except admit that by letter dated August 24, 2006, the mother informed the DOE that she was unilaterally placing the Student in the Rebecca School, that she would be seeking tuition payment and transportation services, and that she was requesting an impartial hearing, and respectfully refer this court to Exhibit “C” of the Declaration of Michael Suarez, dated March 17, 2008 for an complete and accurate account of the letter’s contents.

8. Defendants admit the facts set forth in paragraph “8” of Plaintiff’s Statement.

9. Defendants deny the facts set forth in paragraph “9” of Plaintiff’s Statement, and respectfully refer this Court to the Impartial Hearing transcript for a complete and accurate account of the DOE’s position.

10. Defendants deny the facts set forth in paragraph “10” of Plaintiffs’ Statement and respectfully refer this Court to the decision of the Impartial Hearing Officer (“IHO”) dated March 12, 2007 for the full decision.

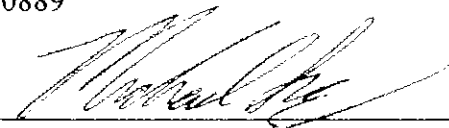
11. Defendants deny the facts set forth in paragraph “11” of Plaintiff’s Statement, except admit that the mother appealed the decision of the IHO to the State Review Officer (“SRO”), and respectfully refer this Court to the SRO Decision dated July 2, 2007 for the full decision.

12. Paragraph 12 of Plaintiff's Statement constitutes a partial description of the procedural posture of this case to which no factual response is required. To the extent a factual response is required, Defendants deny the statement set forth in paragraph "12" of the Statement, except admit that the mother has appealed the decision of the SRO dated July 2, 2007 to this Court.

Dated: April 11, 2008  
New York, New York

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